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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
TRANG MAN LOOC, )  
 )  
Defendants. )  
 )  
 )

No. CR-3-11-70207-JCS

~~PROPOSED~~ ORDER AND  
STIPULATION EXCLUDING TIME  
FROM MARCH 3, 2011, TO MARCH 31,  
2011, FROM THE SPEEDY TRIAL ACT  
CALCULATION (18 U.S.C. §  
3161(h)(8)(A)) AND WAIVING TIME  
LIMITS UNDER RULE 5.1

On March 3, 2011, defendant Trang Man Looc was arraigned by Magistrate Judge Spero on the above-captioned complaint. At that time, the Court scheduled a detention hearing for March 10, 2011, and a preliminary hearing for March 15, 2011. On March 10, 2011, with the agreement of the parties, Magistrate Judge Spero continued the detention hearing to March 18, 2011. The parties have also agreed to continue the preliminary hearing until March 31, 2011.

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling a preliminary hearing on March 31, 2011, at 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date

1 under Federal Rule of Civil Procedure 5.1 and the exclusion of time under the Speedy Trial Act,  
2 18 U.S.C. § 3161(b), from March 3, 2011 to March 31, 2011.

3 The parties agree, and the Court finds and holds, as follows:

4 1. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for a  
5 preliminary hearing.

6 2. The defendant agrees to an exclusion of time under the Speedy Trial Act from March  
7 3, 2011 to March 31, 2011, based upon the need for effective preparation of counsel and to  
8 provide the defendant an opportunity to review discovery. The defendant agrees to this exclusion  
9 on the condition that his right to bring motions claiming Speedy Trial Act violations prior to  
10 March 3, 2011, shall remain preserved.

11 2. Counsel for the defendant believes that postponing the preliminary hearing is in his  
12 client's best interest, and that it is not in his client's best interest for the United States to indict  
13 the case during the normal 10-day timeline established in Rule 5.1. In addition, counsel for the  
14 defendant believes that the exclusion of time is in his client's best interest.

15 3. Given these circumstances, the Court finds that, taking into account the public interest  
16 in the prompt disposition of criminal cases, these grounds are good cause for extending the time  
17 limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. In addition, the  
18 Court finds that the ends of justice served by excluding the period from March 3, 2011, and  
19 March 31, 2011, outweigh the best interest of the public and the defendant in a speedy trial. 18  
20 U.S.C. § 3161(h)(8)(A).

21 4. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary  
22 hearing before the duty magistrate judge on March 31, 2011 at 9:30 a.m., and (2) orders that the  
23 period from March 3, 2011 to March 31, 2011, shall be excluded from Speedy Trial Act  
24 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv) and the time period for preliminary

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1 hearings under Federal Rule of Criminal Procedure 5.1.

2  
3 STIPULATED:

4  
5 DATED: March 10, 2011

/s/  
\_\_\_\_\_  
GARRICK LEW  
Attorney for Defendant Trang Man Looc

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8 DATED: March 10, 2011

/s/  
\_\_\_\_\_  
AARON D. WEGNER  
Assistant United States Attorney

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10 IT IS SO ORDERED.

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12 DATED: 03/14/11

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HONORABLE  
\_\_\_\_\_  
Judge Joseph C. Spero  
United States Magistrate Judge

